

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 18 JANUARY 2007

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Rofique U Ahmed (Chair)

Councillor Ohid Ahmed

Councillor Alibor Choudhury (Vice-Chair)

Councillor Rupert Eckhardt

Councillor Ahmed Hussain

Councillor Abjol Miah

Councillor Ahmed Adam Omer

Councillor Stephanie Eaton

Other Councillors Present:

Officers Present:

Jeff Ackerman – (Affordable Housing Programmes Manager,
Housing Development)

Renee Goodwin – (Acting Applications Manager)

Stephen Irvine – (Development Control Manager, Planning)

Michael Kiely – (Service Head, Development Decisions)

Neil Weeks – (Legal Advisor)

Louise Fleming – Senior Committee Officer

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Louise Alexander and Josh Peck.
Councillor Stephanie Eaton deputised for Councillor Alexander.

2. DECLARATIONS OF INTEREST

Councillor Abjol Miah declared a personal interest in item 8.5 as the ward
member for Shadwell.

3. UNRESTRICTED MINUTES

The minutes of the meeting of the Strategic Development Committee were agreed subject to the following amendments:

- (i) Under Declarations of Interest, to amend Councillor Ohid Ahmed as an employee of Leaside Regeneration, rather than a member of the Leaside Regeneration Board;
- (ii) Under Declarations of Interest, to delete Councillor Peck and replace with Councillor Simon Rouse as the ward member for Millwall; and
- (iii) Under 6.1, which related to 33-37 The Oval, London E2 9DT, to amend the second paragraph to read:

“Councillor Stephanie Eaton addressed the Committee on behalf of her ward. She objected on the grounds that officers should follow the advice of the Health and Safety Executive in respect of proposed developments in the vicinity of gas works.”

4. RECOMMENDATIONS

4.1 The Committee NOTED that the Chair has agreed to the submission of the Update Report of the Head of Development Decisions in accordance with urgency provisions at Section 100B(4) of the Local Government Act 1972 to ensure Members had before them all relevant facts and information about the planning applications set out in the agenda.

4.2 The Committee RESOLVED that, in the event of amendments to recommendations being made by the Committee, the task of formalising the wording of any amendments be delegated to the Head of Development Decisions along the broad lines indicated at the meeting.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections and those who had registered to speak.

6. PLANNING APPLICATIONS WITH NON-COMPLETED LEGAL AGREEMENTS

The Committee considered a report which proposed procedures to deal with old planning applications where the section 106 legal agreement had not been signed in a timely manner. Members were reminded that in recent reports, the recommendations to grant planning permission subject to the completion of a section 106 legal agreement had also included a further recommendation that authority be delegated to refuse planning permission if the legal agreement was not completed within a specified time period, usually 3 months.

The Committee received a schedule of applications which had been approved by the Committee prior to the current practice. It was proposed that, in respect of those applications, the Corporate Director of Development and Renewal be delegated power to either refuse planning permission or treat the applications as being finally disposed under the provisions of Article 25 of the General Development Procedure Order.

The Committee RESOLVED that, in respect of the applications listed in the schedule at section 5 of the agenda item, the Corporate Director of Development and Renewal be delegated power to either:

- (i) refuse planning permission; or
- (ii) treat them as being "finally disposed of" under the provisions of Article 25 of the General Permitted Development Order.

7. PLANNING APPLICATIONS REPORTED FOR INFORMATION

7.1 82 West India Dock Road & 15 Salter Street, London E14

Mr Michael Kiely, Head of Development Decisions, presented a report relating to an application for the demolition of existing buildings and the erection of a 7 storey and 21 storey building in connection with its use as 1442 sqm of commercial floor space within Classes A1, A2, A3 or B1 and 120 flats consisting of 65 x 1 bedroom, 24 x 2 bedroom, 25 x 3 bedroom and 6 x 4 bedroom units at 82 West India Dock Road and 15 Salter Street, London E14.

Members were informed that the application was the subject of an appeal to the Planning Inspectorate against the Council's failure to determine the application within the statutory period. The Council had to inform the Planning Inspectorate of the decision it would have taken, had it been empowered to, and that decision had been required before the meeting of the Strategic Development Committee. Therefore, the Chief Executive exercised his powers under paragraph 4.4.3 of the Budget and Policy Framework, contained in the Council's Constitution, under the Urgent Action procedures and refused the planning application on the grounds over overdevelopment and that the proposal was contrary to Council Policy.

The Committee noted that had the Strategic Development Committee been empowered to make a decision on the application for the demolition of existing buildings and the erection of a 7 storey and 21 storey building in connection with its use as 1442 sqm of commercial floor space within Classes A1, A2, A3 or B1 and 120 flats consisting of 65 x 1 bedroom, 24 x 2 bedroom, 25 x 3 bedroom and 6 x 4 bedroom units at 82 West India Dock Road and 15 Salter Street, London E14, it would have been refused for the following reason:

- 1) The proposal amounts to an undesirable overdevelopment of the site with excessive density, height, mass and bulk resulting in an inappropriate design that is not justified by the surrounding urban context. As such, the proposal is contrary to the following statutory and emerging development plan policies:

The Tower Hamlets Unitary Development Plan 1998:
Policy DEV1 (General Design and Environment Requirements)
Policy DEV3 (Mixed Use Development)
Policy DEV6 (High Buildings outside the Central Area)
Policy DEV8 (Developments which adversely affect significant local views)

The London Plan 2004:
Policy 4B.1 Design Principles for a compact city
Policy 4B.3 Maximising the potential of sites and Table 4B.3
Policy 4B.8 Tall buildings – location
Policy 4B.9 Large-scale buildings – design and impact

The Tower Hamlets Development Plan Document Core Strategy and Development Control Submission Document November 2006:
Core Policy CP4 (Good Design)
Core Policy CP48 (Tall Buildings)
Policy DEV2 (Character and Design)
Policy DEV27 (Tall Buildings Assessment)
Policy HSG1 (Determining Residential Density) and Planning Standard 4

The Committee noted that the Planning Inspectorate was advised that any grant of planning permission should be accompanied by an agreement or unilateral undertaking under section 106 of the Town and Country Planning Act 1990 to secure planning obligations under the following heads:

1. An affordable housing contribution of 35% of the residential floorspace to be provided at a ratio of 80:20 between rental and intermediate housing.
2. A £197,472 contribution to the provision of education facilities in the area.
3. A £532,977 contribution towards transport capacity improvements.
4. A 'car free' arrangement that prohibits residents from applying for a parking permit from the Council.
5. The implementation of a Travel Plan.
6. The use of Local Labour in Construction.
7. Measures to mitigate impact on telecommunication and radio transmissions to include those used by the Metropolitan Police and the Docklands Light Railway.

8. PLANNING APPLICATIONS FOR DECISION

8.1 Caspian Works and 1-3 Yeo Street (Caspian Wharf) London E3

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the redevelopment of site to provide buildings of between 4 and 9 storeys for mixed use purposes including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canalside walkway and servicing at Caspian Works and 1-3 Yeo Street (Caspian Wharf), London E3.

Ms Helen Cantalo spoke in objection on the grounds of height and density. She felt that the proposal would reduced daylight/sunlight and was contrary to London Plan policy.

Mr Hugo Marchant spoke in objection on the grounds of height and density. He felt that there was insufficient healthcare and education provision in the area to cater for additional residents.

Mr Justin Kenworthy spoke on behalf of the applicant. He attempted to address the residents concerns and gave reasons why the development should be approved. He felt that it would improve the area and provide affordable housing.

Ms Mignano AnnaMaria spoke in support of the application, on behalf of the residents of Colmans Wharf. She felt it would maximise the potential of the site and would regenerate the area. She also welcomed the affordable housing provision.

Ms Renee Goodwin, Strategic Applications Manager, presented a detailed report on the application and outlined the main planning issues for the Committee to consider when making its decision. She addressed the concerns of the residents and informed Members that the application satisfied the relevant planning policies and would have minimal impact on the neighbouring properties.

Members asked questions relating to the Environmental Impact Assessment, the scale of the buildings, the affordable housing provision, the amount of car parking provision, the comments received from the Police and the impact on transport.

Ms Goodwin advised the Committee that the Environment Agency was satisfied, subject to conditions being imposed. The Police accepted that the development complied with policy and that Transport for London was satisfied with the financial contribution to local transport.

The Committee **RESOLVED** that planning permission for the redevelopment of site to provide buildings of between 4 and 9 storeys for mixed use purposes

including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canalside walkway and servicing at Caspian Works and 1-3 Yeo Street (Caspian Wharf), London E3 be GRANTED subject to:

- A Any direction by the Mayor of London.
- B The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:
- a) Affordable Housing (35% of the residential floor space as affordable housing and a 70/30 ratio split between rented and intermediate units by habitable room;
 - b) £1,597,879 towards local healthcare;
 - c) £654,126 towards education provision;
 - d) £60,000 towards public art;
 - e) £40,000 funding towards improvements to bus stops in Violet Road;
 - f) Canalside and open space access in perpetuity, with the potential of providing future canalside access beneath the DLR line (subject to DLR agreement);
 - g) Highways, pedestrian and cycle improvements namely a pinch-point zebra crossing to the north of the site and a raised level zebra crossing south of the site on Violet Road (cost to be confirmed by Highways);
 - h) Preparation and approval of and compliance with a Travel Plan to demonstrate that everything is being done with reason to promote non car based travel;
 - i) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits;
 - j) TV reception monitoring and mitigation as appropriate;
 - k) DLR radio reception monitoring and mitigation as appropriate;
 - l) Air quality monitoring during construction; and
 - m) Local labour in construction.
- C That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:
- 1) Permission valid for 3 years.
 - 2) Submission of details of external materials.
 - 3) Submission of details of hard and soft landscaping treatment.
 - 4) All planting, seeding or turfing.
 - 5) Submission of detailed treatment of wetland terrace and management plan.
 - 6) Submission of a tree planting schedule in respect of the replacement of the TPO trees.
 - 7) Submission of details of any proposed walls, fences, gates and railings.
 - 8) Submission of revised drawings to increase width of eastern part of canalside walkway.

- 9) Submission of details of recycling and refuse.
- 10) Submission of details of any external lighting.
- 11) Investigation and remediation measures for land contamination.
- 12) Archaeological investigation.
- 13) Recording of building prior to demolition.
- 14) Submission of details of compensatory flood storage works.
- 15) Submission of details of surface water drainage works.
- 16) Submission of details of surface water control measures.
- 17) Submission of details of a scheme for renewing and maintaining flood defences.
- 18) 4 metre wide maintenance access to Limehouse Cut via the site for Environmental Agency.
- 19) No solid matter stored within 10 metres of the banks of the Limehouse Cut during construction.
- 20) Installation of adequate sewerage infrastructure.
- 21) Remediation Strategy and Method Statement of details of prevention of water pollution.
- 22) Submission of a final Remediation Validation Report to ensure against water pollution.
- 23) Submission of Water Impact Study.
- 24) Submission of details to be approved in writing by the local planning authority in consultation with the Greater London Authority of the 10% renewable energy measures, gas fired primary Combined Heat and Power system, secondary liquid biomass oil boiler, which shall be in accordance with the revised energy strategy submitted January 2007 and implemented in perpetuity.
- 25) Implementation of noise control measures as submitted.
- 26) Limit hours of construction to between measures as submitted.
- 27) Limit hours of power/hammer driven piling/breaking out to between 10.00 hours to 16.00 hours, Monday to Friday.
- 28) Details of means of fume extraction and ventilation for proposed A3 uses.
- 29) Submission of details of brown and green roof systems.
- 30) Submission of materials strategy.
- 31) All residential accommodation to be built to Lifetime Homes standard.
- 32) Submission of a study of sustainability of canal system for transfer of construction materials, household waste;
- 33) Any other condition(s) considered necessary by the Head of Development Decisions.

Informatives

- 1) This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
- 2) With regard to condition 11 (Decontamination), you should contact the Council's Environmental Health Department.
- 3) With regard to conditions 12 and 13 you are advised to contact English Heritage.

- 4) With regard to conditions 14 to 22 you are advised to contact the Environment Agency.
- 5) You are advised that the Council operates a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department.
- 6) You are advised to consult the Council's Highways Development Department, regarding any alterations to the public highway.
- 7) With regard to condition 23 you are advised to contact Thames Water with whom you should also consult on: water pressure; water supply infrastructure; public sewer connections; sewage disposal on site; and separation of foul and surface water.
- 8) You are advised to contact Docklands Light Railway Limited with regard to details of design and construction methods to ensure safety and operating requirements of the DLR.
- 9) You are advised to contact English Nature with regard to the design of the external lighting system and its impact upon foraging bats.

The Committee confirmed that it had taken the environmental information into account, as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

The Committee agreed that, following the issue of the decision, a statement be placed on the Statutory Register confirming that the main reasons and considerations on which the Committee's decision was based were those set out in the Planning Officer's report to the Committee (as required by Regulation 21(1) (c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

That if by 1st July 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

(Councillor Ahmed Hussain arrived during the consideration of this application and therefore did not take part in the vote.)

8.2 2-10 Bow Common Lane, London E14

The Committee noted that the application had been withdrawn.

8.3 News International site at the south east junction of the Highway and Vaughan Way, London E1

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the erection of two buildings of 10 and 27 storeys to create 115,388 sq.m of floorspace for Class B1 (Offices), 1,419 sq. m A1 (Shop), 913 sq m A3 (Café and Restaurant) and 1,200 sq. m D2 (Assembly and leisure), together with new access and servicing arrangements, car parking for up to 650 cars, lorry marshalling area and landscaping works at the News

International site at the south east junction of the Highway and Vaughan Way, London E1.

Ms Renee Goodwin, Strategic Applications Manager, presented a detailed report on the application. She outlined the late objections which had been received and explained how the proposed conditions would address the concerns. She also outlined the reasons why the application had been recommended for approval.

Members expressed concern that the last full consultation period with local residents had taken place in 2003. Mr Kiely proposed that the application be deferred to a future meeting allow the Council to address the consultation issue.

The Committee RESOLVED that the application for the erection of two buildings of 10 and 27 storeys to create 115,388 sq.m of floorspace for Class B1 (Offices), 1,419 sq. m A1 (Shop), 913 sq m A3 (Café and Restaurant) and 1,200 sq. m D2 (Assembly and leisure), together with new access and servicing arrangements, car parking for up to 650 cars, lorry marshalling area and landscaping works at the News International site at the south east junction of the Highway and Vaughan Way, London E1 be DEFERRED to enable officers to carry out further consultations with local residents.

8.4 249-253 Cambridge Heath Road, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing two/three storey buildings and redevelopment of the site to provide an eleven storey building in connection with the use of the site for B1/A1/A2/A4 purposes at ground floor level and 305 student bedrooms on the upper floors with associated hard and soft landscaping at 249-253 Cambridge Heath Road.

Ms Petra Salva spoke in objection on the grounds that the proposed building was too high and the site was not suitable for student housing. She felt that there would be a loss of light; and there would be noise and traffic impact.

Ms Toni Merridew spoke in support of the application, on behalf of the women's centre. She felt that the proposal would regenerate the area and provide jobs and childcare provision.

Mr Nick Brindley spoke on behalf of the applicant. He informed the Committee that the height of the building had been reduced. The daylight/sunlight report was acceptable and there would be a Section 106 legal agreement to secure funding for transport improvements in the area.

Mr Stephen Irvine, Development Control Manager, presented a detailed report on the application. He outlined the reasons why the proposal was acceptable in planning terms and addressed the concerns of the residents. The proposal was in line with BRE guidelines on daylight/sunlight and therefore a refusal on

those grounds could not be sustained. He also advised that there was a shortage of student housing in London.

Members expressed concern that Tower Hamlets had accommodated numerous proposals for student housing in recent months and sought reassurance that other London boroughs were also providing as much student housing, as there was a need for social housing in the Borough. Members also asked questions relating the lease for the women's centre. The Committee was advised that the latter point was not a material planning consideration.

The Committee RESOLVED that planning permission for the demolition of existing two/three storey buildings and redevelopment of the site to provide an eleven storey building in connection with the use of the site for B1/A1/A2/A4 purposes at ground floor level and 305 student bedrooms on the upper floors with associated hard and soft landscaping at 249-253 Cambridge Heath Road be GRANTED subject to:

- A Any direction by the Mayor
- B The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:
 - a) Car Free Agreement
 - b) Preparation of a Green Travel Plan
 - c) Public realm improvements including footpath upgrade, signage and street furniture: £200,000
 - d) Bus improvements: £20,000
 - e) Local labour in construction: £15,000
 - f) Contributions to Bethnal Green Gardens: £100,000

That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
 - Elevation treatment including samples of materials for external fascia of building
 - Ground floor public realm (detailed landscape plan for amenity courtyard as well as roof garden and ground floor public realm improvements
 - The design of lower floor elevations of commercial units including shopfronts and community space
- 3) Landscape Management Plan required
- 4) Student housing Management Plan required
- 5) Restriction on hours of use of 5th floor roof terrace: 8 am to 8 pm
- 6) 278 (Highways) agreement required

- 7) Hours of construction limits (8 am to 6 pm Mon-Fri, 8 am to 1 pm Sat)
- 8) Details of insulation of the ventilation system and any associated plant required
- 9) Hours of operation limits – hammer driven piling (10 am to 4 pm Mon-Fri)
- 10) Details required for onsite drainage works
- 11) Full particulars of the refuse/recycling storage required
- 12) Code of Construction Practice, including a Construction Traffic Management Assessment required
- 13) Details of finished floor levels required
- 14) Details of surface water source control measures required
- 15) Biomass heating and renewable energy measures to be implemented
- 16) Black redstart habitat provision required
- 17) Land contamination study required to be undertaken
- 18) Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

- 1) Environment Agency advice
- 2) Site notice specifying the details of the contractor required
- 3) Standard of fitness for human habitation, means of fire escape and relevant Building Regulations

That if by 18th July 2007 the legal agreement had not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

8.5 Land bounded by Schoolhouse Lane, Cable Street and Glasshouse Fields, London E1

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the erection of a part four/part seven storey building to provide 198 residential; 1865 sq. m of A1 floorspace; 31 car parking spaces; 118 cycle parking spaces and associated landscaping on land bounded by Schoolhouse Lane, Cable Street and Glasshouse Fields, London E1.

Mr Stephen Irvine, Development Control Manager, presented a detailed report on the application. He detailed the differences between the current and previously approved application and why the application had been recommended for approval.

Members asked questions relating to affordable house, parking design and room size. Mr Irvine informed the Committee that the application complied with planning policy. It was explained that the mix of affordable housing in the current scheme was more beneficial than that previously approved.

The Committee RESOLVED that planning permission for the erection of a part four/part seven storey building to provide 198 residential; 1865 sq. m of A1 floorspace; 31 car parking spaces; 118 cycle parking spaces and associated landscaping on land bounded by Schoolhouse Lane, Cable Street and Glasshouse Fields, London E1 be GRANTED subject to:

The prior completion of a legal agreement to the satisfaction of the Chief Legal Officer to secure the following:

- a) Car Free agreement
- b) Green Travel Plan
- c) Provision of affordable housing: 41 units
- d) Highway Improvement Works: £50,000
- e) Local labour in construction
- f) Upgrade of the adjacent games court on Cable Street: £100,000
- g) A contribution towards the provision of an indoor play area within the Glamis Road Adventure Playground: £100,000
- h) Contribution to London Cycle Network capital works on Cable Street: £10,000

That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
 - Elevational treatment including samples of materials for external fascia of building
 - Ground floor public realm (detailed landscape plan for amenity courtyard as well as roof garden and ground floor public realm improvements)
 - Cycle parking design and location
 - The design of the lower floor elevations of commercial units including shopfronts and community space
- 3) Landscape Management Plan required
- 4) 278 agreement to be entered into for Highway works surrounding the site
- 5) S38 agreement for the construction and adoption of the new road
- 6) Hours of construction limits (8 am to 6 pm Mon-Fri and 8 am to 1 pm Sat)
- 7) Details of insulation of the ventilation system and any associated plant required
- 8) Hours of operation limits – hammer driven piling (10 am – 4 pm)
- 9) Details required for on site drainage works
- 10) Full particulars of the refuse/recycling storage required
- 11) Code of Construction Practice, including a Construction Traffic Management Assessment required
- 12) Details of finished floor levels required

- 13) Details of surface water source control measures required
- 14) Renewable energy measures to be implemented
- 15) Black redstart habitat provision required
- 16) Land contamination study required to be undertaken
- 17) Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

- 1) Environment Agency Advice
- 2) Site notice specifying the details of the contractor required
- 3) Standard of fitness for human habitation, means of fire escape and relevant Building Regulations

That if by 18th July 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

8.6 Empress Coach Works, 1 to 4 Corbridge Crescent and site at rear, Corbridge Crescent, London E2 9DS

The Committee noted that the application had been withdrawn.

8.7 Leamouth Peninsula North (Pura Foods Ltd), Orchard Place, London E14

The Committee noted that the application had been withdrawn.

8.8 Hercules Wharf, Union Wharf and Castle Wharf, Orchard Place, London E14

The Committee noted that the application had been withdrawn.

The meeting ended at 9.35 p.m.

Chair, Councillor Rofique U Ahmed
Strategic Development Committee